

602 KAR 50:060. Construction within jurisdictional airspace.

RELATES TO: KRS 183.861-183.890, 14 C.F.R. Part 77

STATUTORY AUTHORITY: KRS 183.861

NECESSITY, FUNCTION, AND CONFORMITY: KRS 183.861 allows the Kentucky Airport Zoning Commission to regulate the use of land within and around all public use and military airports within Kentucky. This administrative regulation is promulgated to regulate the construction and alteration of structures in the airspace of the state over which the commission has jurisdiction in order to prevent an obstruction to the safety of air navigation.

Section 1. Except as provided in 602 KAR 50:090, a person shall not construct or alter any structure which penetrates the airspace of the state over which the commission has jurisdiction as set forth in 602 KAR 50:030, unless the person who intends to construct or alter the structure obtains a permit from the commission in accordance with the procedures set forth in 602 KAR 50:090.

Section 2. The commission shall consider the provisions of 14 CFR Part 77 Sections 77.21 through 77.25, the aeronautical study performed by the administrator and any aeronautical study performed by the FAA as well as the factors set forth in KRS 183.868 and 183.870 in approving or disapproving an application for a permit submitted in accordance with the requirements of Section 1 of this administrative regulation.

Section 3. (1) Any change or transfer in the care, custody, control or ownership of a structure previously permitted by the commission shall require the original owner to notify the commission in writing of the name and address of the new owner on Kentucky Airport Zoning Commission/Transportation Cabinet form TC 56-50G "Notification of Change in Ownership" effective March 1997.

(2) The new owner shall comply with all conditions and requirements of the originally issued permit for the transferred structure unless properly amended by the commission.

Section 4. (1) A power line existing prior to January 4, 1984 for which a permit has not been issued may continue in its present configuration.

(2) A person proposing to alter or reconstruct any wire, transmission, distribution or other power line subsequent to September 1, 1983 that exceeds 200 feet above the ground level shall:

(a) Obtain a permit from the commission in accordance with 602 KAR 50:090; and

(b) Comply with the applicable marking and lighting requirements in accordance with 602 KAR 50:100.

Section 5. Incorporation by Reference. (1) Kentucky Airport Zoning Commission/Transportation Cabinet form TC 56-50G "Notification of Change in Ownership" effective March 1997 is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, from the Zoning Administrator, Division of Aeronautics, 200 Mero Street, Station: W3-09-02, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m. The telephone number is (502) 564-4480. The fax number is (502) 564-7953. (KAV-11; 13; 1 Ky.R. 807; eff. 5-14-1975; 10 Ky.R. 447; 770; eff. 1-4-1984; 13 Ky.R. 293; eff. 9-4-1986; 19 Ky.R. 802; eff. 11-4-1992; 23 Ky.R. 4217; eff. 8-11-1997; 27 Ky.R. 2230; 2775; eff. 4-9-2001; Crt eff. 3-26-2019.)